GOVERNMENT OF MADRAS.

Scott. H-28.

Pub (1957) Department.

Endorsement

~~D.O.~~

~~Memorandum~~

~~Lodged~~

No. 19494/51-6

Dated 29-9-1957.

FURTHER PAPERS.

Department.	Number.	Series.	Date.

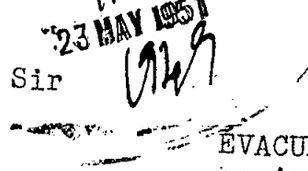
Ref.W2. 6450/47-

SOUTH KANARA COLLECTOR'S OFFICE
MANGALORE DATED 19---5---1951.

From

Sri A. R. Rajaratnam B.A.
Collector of South Kanara.

To



The Secretary to Government,
Public Works Department,
Fort St.George,
MADRAS-9.

Sir

EVACUEES -- (South Kanara) --.Financial assistance granted to evacuees -- Recovery of advances paid to Sri A. Currie (now deceased) Institution of a civil suit -- Authorisation for -- ~~Refused.~~ Requested

****

Ref:- Government Memo. No.,6582/H/4~~8~~-16 dated 31st March 1950 communicating letter No.D.408/49/E dated 17th May 1950 from the Governmentof India, Ministry of ~~Evacuee Administration~~ External Affairs

****

Sri A. Currie, an evacuee from Burma was granted a recoverable financial assistance of Rs.5,568--5--0 from March 1942 to February 1947 which is due to be recovered from his successors as he died on 9-8-1950. While he was alive, he did not repay the advance when peaceful demands were made. In their reference cited above, the union Government observed that as the evacuee possessed 1/5 share in his ancestral property there would be no justification to write off the advances granted to him.

2. The property in question stands in the joint names of the deceased and four others. The plot (holding No.131 of Kodialbail village, Mangalore Taluk) contains a residential house and fruit bearing coccanut and other trees and its estimated value is about Rs.18,000/-. Two of the joint pattadars dispute the right of the deceased over the dwelling house in the plot, saying that the house was built by them; but they admit the right of the deceased, over the land. Anyway, there is a settlement deed apportioning the plot between the holders (brothers). The house may fetch about Rs.6,000/- and excluding it, the share of the deceased may be estimated at Rs,2,400/-. As regards encumbrances the other claimants are not prepared to furnish any information. It is understood that the plot is technically under mortgage to one Cashmir Correa who is in Calcutta. In the circumstances, it cannot be said whether the share of the deceased, if brought for sale, will be sufficient to meet the demand and court costs.

3. It is learnt from the enquiries held that the advance cannot be recovered peacefully. The Government Pleader Mangalore is of the opinion that the Government could proceed against the assets of the deceased, whatever is available, and that it is advisable to file a suit. The draft plaint prepared by him is submitted herewith for perusal and return.

4. I request the Government to address the Union Government to issue an authorisation for me to act for and on behalf of the Union Government to file a suit in this case, in the court of the Subordinate judge, South Kanara.

Yours faithfully

For Collector.

SR/21-5

IN THE COURT OF THE SUBORDINATE JUDGE OF SOUTH KANARA.

O. S. NO. OF 1951.

Between :-

The Union of India represented by the Collector of South Kanara, Mangalore. ... Plaintiff.

AND

[Here enter names of legal representatives of the deceased evacuee] ... Defendants.

PLAINT UNDER SECTION 26 ORDER VII RULE 1 OF C. P. C.

The abovenamed Plaintiff begs to submit as follows :-

I. The Plaintiff is the Union of India represented by the Collector of South Kanara, Mangalore, Sri. A.R.Rajaratham, B.A., son of aged about years, Indian Christian, residing in Mangalore Town, South Kanara.

The process on the Plaintiff may be served on the Government Pleader of South Kanara, Mangalore.

II. The address of the defendants

.....

III. FACTS OF THE CASE.

1. Sri. A.Currie residing at Candle Garden, Balmatta, Mangalore, was an evacuee from Burma. He was paid a monthly allowance of Rs.101/-. He was so paid from March 1942 to February 1947. The total amount so advanced to him is Rs.5,568-5-0. He was called upon to repay the same as per the notice of the Collector of South Kanara, dated 17-6-1950 which was served on him on 30-6-1950. In reply to the said notice he pleaded his inability to repay the advance granted to him and requested that the amount may be written off. On enquiry it is found that the evacuee was possessed of sufficient means to repay the ~~monies to repay the amount.~~ amount in question. In spite of repeated notices the evacuee has not paid the amount in question. ~~(It is liable to be returned with future interest.~~

2. It is learnt that the evacuee Sri.A.Currie

deceased and the defendant ~~is~~ are his legal representative and is sued as such.

IV. The cause of action for this suit arose on ~~17-6-1950~~ 1-3-1947 in Mangalore Town, within the jurisdiction of this Court. Rs 15

V. The suit is valued at Rs.5,568-5-0 and a Court Fee of Rs.457-7-0 is paid under Section 7, Article I, Schedule I of the Court Fees Act.

VI. ~~The Plaintiffs pray for a Decree and Judgment~~ for the following reliefs:-

(a) After giving due notice to the Defendant the Court may be pleased to Decree against the assets of the Deceased Sri.A.Currie for the sum of Rs.5,568-5-0 with future interest thereon at 5½ per cent per annum from this date.

(b) Decreeing the costs of suit with future interest at 5½ per cent per annum against the assets of the deceased Sri.A.Currie.

(c) Such other reliefs as the Court deems fit to grant under the circumstances of the case.

M A N G A L O R E.
April, 1951.

Plaintiff.

S.K. Government Pleader of

Verification:-

7 PWD(H)

Letter No. 1949 H/51-1 dated 20/6/51

To The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi 3.

Sir,

Sub: Evacuees - South Kanara -
Assistance granted to the late
Sri A. Currie - Recovery.

Ref. from Shri Sheoporis' letter
No. D 408/49-E dated 17/5/50

I am directed to forward herewith a copy of reference No. N2.6450/47 dated 19.5.51 from the Collector of South Kanara on the above subject and to enquire whether in the circumstances, reported by the Collector, action may be taken to institute a civil suit for attachment of the assets of the deceased Sir A. Currie for the realisation of the repayable advances granted to him

Dix 2

under the Government of India Scheme of financial assistance to Evacuees.

If the Government of India consider it desirable to institute a civil suit, I am to request that the Collector of South Kanara (by designation) may be empowered to act for and on behalf of the Central Government for filing the suit in the Court of the Subordinate Judge, South Kanara.

P24

30/5/50

31.5.51

Y.J. 8.6.51

D.A. Copies of pp2-6 c.f.

Copy to the Collector of S.K.

Does such refers usually come through the Bd of Rev?

1.6.51

Yes A.S.

Res submitted.

Usually such cases are sent to Govt directly the Collrs and the Board is consulted if any important issue

Precedents not traced.

H

9 -3-

is involved.

7.6.51

6-6-51

Legal may be before issue

8.6.51 Legal

Legal Department.

2

PW No 1949 H/51-1

8/6/51

Seen in Legal. The slight alteration indicated in red ink on the draft may be made.

18/6/51

18-6-51

P.W.D.

P.W.D.(H)

9646

ASSISTANT SECRETARY
9-JUN1951
LEGAL DEPARTMENT

55465

Ld A.S.

The draft letter may now issue.

20.6.51

Ld, no 7646/51-I
18.6.51.

19/6/51 (Issued Ld. No 1949 H/51-1 PW 20.6.51)

SECRETARY TO GOVERNMENT
19 JUN 1951
PUBLIC WORKS DEPARTMENT

11

65

ASSISTANT SECRETARY TO GOVERNMENT OF INDIA
31 JUL 1951
PUBLIC WORKS DEPARTMENT

No.F.26/51-LII.
Government of India
Ministry of External Affairs
New Delhi, the 30 July

66896 om

Shri A.G.Menezes I.C.S.,
Under Secretary to the Government of India.

To

The Secretary to the Government of Madras, Public Works Department,
Madras.

Subject: Defaulter evacuees-Institution of civil suit-Case of Shri A Murrie (deceased)

Sir,

I am directed to refer to your letter No.19491/51-1, dated the 20th June 1951 and to request that the personal file of the evacuee may kindly be sent to this Ministry.

Yours faithfully,

Under Secretary.

P.A.D.27/7

2

60/4/58

Memorandum No. 1949/H/51-3 dated 3/8/58 PWD(H)

Sub: Enquiries - South Kanara -
Advances granted to Shri. A. Currie -
Recovery of.

Ref: From the Collr/South Kanara, Rc No. 2.6458/57 dated 19.5.58.

The Collector of South Kanara is requested to ~~furnish~~ send at an early date, the personal file of the late Sri. A. Currie, for transmission to the Government of India.

3/8/58

To The Collector of South Kanara

Ref.W2. 6450/47

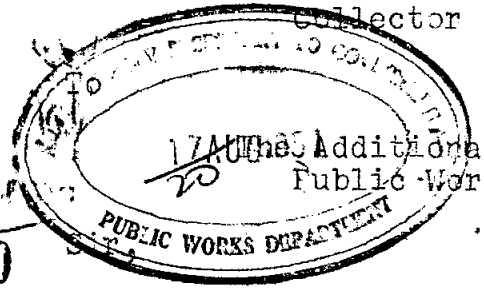
South Kanara Collector's Office,
Mangalore, dated 13- 8- 1951.

From

Sri. A. R. Rajaratnam, B. A.,
Collector of South Kanara.

To

The Additional Deputy Secretary to Government,
Public Works Department, Fort.St.George, Madras-9.



71660

Sub:- EVACUEES - South Kanara - Advances granted to the late Shri A.Currie - Recovery of - proposals for Civil Action.

Ref:- Government (P.W.D) Memorandum No.1949-H/51-3 dated 3rd August 1951.

The personal file of the late Shri A.Currie, evacuee from Burma, could not be traced out in spite of thorough search. Evidently it has been mislaid. In this connection a report has been submitted to the Board of Revenue on 20-7-1951 with reference to Government Memo No.1862/H/51-2 P.W.D. dated 16-6-1951.

Yours faithfully,

For Collector.

Copy to the Board of Revenue Commercial Taxes, Chepauk, Madras-5 with reference to Board's Ref.G.9701/50-5 dated 26-6-51 and my report Ref.6450/47-W2 dated 20-7-51.
kvr/13-8-51

117 14

Letter No 1949 H/51-4 dated 29/8/51. Pol(H)

To the Secretary to the Government of India,
Ministry of External Affairs, New Delhi 3 (~~with enc~~).

Dir

Sub: Emarees - South Kanara - Advances granted to the late Shri A. Currie - Recovery - Institution of a civil suit.

Ref: Shri A.G. Menezes' letter No. F 26/51-BII & 307/51

I am directed to inform you that the personal file of the Emaree is not traceable in the office of the Collector of South Kanara, as it appears to have been misfiled.

29/8/51 27.8.51

29/8/51

Through H/2c

Revenue Department.

Subject.

Evacuees - South Kanara - Financial assistance - Case of the late Sri A. Currie - Certain records-return of.

74722

Ref.no.G.5782.51.2. Station Madras. d/23/8/1951.

From

Sri V.C. Thomas.B.A., Joint Secretary, Board of Revenue.

...

To

Sri M.L. Kudva.I.C.S., Commissioner of Comml.Taxes.

Read: From the Collector of South Kanara, R.f.I.2.15152.51. d/23/7/51.

Reference.

Submitted to the Government.

2. The evacuee ledger of Mangalore taluk referred to by the Collector in his letter cited above, does not appear to have been received in the Board's office with the personal file of the evacuee Sri A. Currie submitted with the collectors letter d/24/10/12/49. It is not therefore available with the Board. It however requests that the Government may be pleased to verify whether the ledger in question was received by them and if so it may kindly be returned to the Board. In case it is not available with the state government, the government of India may be addressed, to verify whether the records are with them.

For Joint Secretary.

To The Secretary to Government, Public Works Department, with Collector's letter d/10/8/51 and Copies of Board's R.f.d/30/7/51.

Copy to the Collector of South Kanara.

tj.23.8.

Copy of lr.no.R.f.I.2.15152.51 d/23/7/51 from the Collector, South Kanara.

...

Evacuees .South Kanara .Financial assistance .Case of the late Sri A.Currie. certain records submitted to the Board -return of -requested.

...

Proposals for the write off of the advances granted to the late Sri A. Currie were submitted to the Board in my ref.6450.47 d/13/12/49 with this office file 6450.47. The Board ultimately returned to me the file with its R.f.S.8587.49 d/7/6/50. It appears that the evacuee ledger of Mangalore taluk was also submitted to the Board with my reference mentioned above, instead of the relevant extracts from it relating to the evacuee(the late A.Currie).

I request that the Board may be pleased to return the evacuee (Mangalore taluk) if it had been received in the Board's ledger off. If not the matter may kindly be referred to the Government in order verify whether it is with them. I may mention here for easy ref. the Board submitted the records to the government of Madras with R.3537.49.1 d/9/3/50 and the government submitted the records to the government of India with their letter no.6582.48.H.16 d/17/5/50 and the government of India returned them to the government of my letter no.3438.49.H d/17/5/50 and the government sent them with their memo P.No.6582.48.H.16 d/31/5/50.

3. I request early reply in the matter.

...

for Collector.

Copy of Board's ref.no.G.5782.51.1 d/30/7/51.

...

Evacuees from Burma malaya etc .South Kanara .Financial assistance -recovery of - case of the late sri A. Currie -records -return of .

Read: from the Collector of South Kanara R.f. A.2.15152.51 d/23/7/51.

The Collector of South Kanara is informed that only his office file no.6450.47 and Lr.no.6450.47 ~~dated 29/5/42~~ d/29/5/42 were received with his Lr.no.6450.47 d/ 3/12/1949. These two files were returned to him with Boards ref.n .o.8587.49.2 d/7/6/50 by registered post and their receipt was acknowledge by the collector in his Lr.no.6450.47 d/15.6.50. No records in respect of the evacuee Lr.Currie are available with the Board.The collector is however requested to state whether his D Dis.760.42.M d/29/5/42 mentioned above and the evacuee ledger (Mangalore taluk) required by the collector are one and the same or different records . The Government will however be addressed in the matter on receipt of the collectors reply.

.true copy.
fr.n
Copy of Lr.no.Rev: A.2. 15152.51 d/10/8/51 of the Collector South. Kanara.

Evacuees from burma malaya etc .South Kanara .Financial assistance -recovery of case of the late sri A Currie .records.return of.

Ref: Board's R.f.no.G.5782.51.1 d/31/7/51.

...

I submit that the records of my office D.Dis.760.42. M d/29.5. 42 mentioned in Board's reference cited and the evacuee ledger (Mangalore taluk) are different records . I request that government may kindly be addressed in the matter.

Sd. x d/10/8/51.
For Collector,South Kanara.

2418

/true copy/

For Jt Secretary.

H/9/51

17 Rev(H) 3

Letter No 1949/H/51-5 dated 12/9/51

From

The Secretary to the Government of India,
Ministry of External Affairs, New Delhi 3.

Sir,

Subject: Evacuees - South Kanara - Financial assistance granted to Shri A. Currie - Recovery of -

Ref: Shri A.G. Meneses' letter No. F.26/51-B II dated 30.7.51 and this Govt's letter No. 1949/H/51-4 PW dated 30-8-51.

I am directed to forward herewith a copy of reference No G.5762/51-2 dated 23.8.51 from the Board of Revenue, Madras and to state that the evacuee ledger of the Mangalore Taluk, stated to have been furnished to this Government by the Collector of South Kanara is not traceable here. It is possible that the ledger could have been sent to the Government of India along with the personal file of Shri A. Currie, which was furnished

With this Govt's letter No. 6552 Pp 48-15 dated the 19th April 1957, I am to request that it may be verified whether it has been received there. The Chancery Ledger Office is still with the Govt? and if so, it may kindly be returned to this Government.

Yours faithfully,

11/9/57

11.9.57

12-9-57

Copy to the Secy Rev. Affairs

9/9

No.F.26/51-BII
Government of India
Ministry of External Affairs

82516

New Delhi, the 21 September, 1951

From

Shri S. Chaudhuri,
Assistant Secretary to the Govt. of India.

The Secretary to Government,
Madras, Public Works Department,
Madras.

Subject: Evacuees from Burma, Malaya etc. Financial assistance - Write off of advances - Case of the late A. Currie.

Sir,

With reference to the correspondence ending with your letter No.1949H/51-4, dated the 30th August, 1951, on the subject mentioned above, I am directed to say that as it is not profitable to incur further expenditure in this case by filing a suit for the attachment of the assets of the late Shri A. Currie, the President is pleased to write off the amount of Rs. 5,568/5/- (Rupees five thousand five hundred and sixty eight and annas five only), due from the late A. Currie, on account of advances granted to him as maintenance allowance under the scheme of financial assistance to evacuees.

Yours faithfully,

S. Chaudhuri

Assistant Secretary.

20

6/1/50

81288

PWD (H)

Enclosement No 19491/H/5 p.6 dated 29/9/51.

Copy forwarded to the Board of Revenue, Madras and to the Collector of South Kanara with reference to his Ref. W2-6450/50 dated 31-3-51 and 19-5-51 for information and necessary action.

28/9/51 28/9/51

To the Board of Revenue, Madras
Collector of South Kanara
Copy to the A.G. Madras

} with Copy of plaint

30/9

No.F.26/51-B.II(Cons.II)
Government of India,
Ministry of External Affairs.

New Delhi, the 20 October, 1951.

From

Shri S.Chaudhuri,
Assistant Secretary to the Govt: of India.

To

The Secretary to Government,
Madras, Public Works Department,
Fort St. George,
MADRAS.

90229

Subject:- Evacuees from Burma, Malaya etc - Financial assistance - Recovery of Case of Mr. Currie.

Sir,

I am directed to refer to your letter No: 1949H/51-5 dated the 12th September, 1951, on the subject mentioned above, and to say that the personal file of Mr. A.Currie was returned to you under this Ministry's letter No.D.408/49E dated the 17th May, 1950. No other documents in respect of the evacuee are left with the Government of India. It is probable that the evacuee ledger has been mislaid along with the personal file in the office of the Collector of South Kanara vide your letter No. 1943H/51-4 dated the 30th August, 1951.

Yours faithfully,

Assistant Secretary

22.

SD 26/X

P.W.D (H)

Endt No 902294/51-1 dated 25-10-57

Communicated to the Bd of Rev, Madras for information with reference to its Ref No. S. 5782/51-2 dated 23-8-57.

25-10-57

To

The Bd of Rev, Madras
(Copy of the letter received)